IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 48 OF 2006

Maharashtra Suraksha Rakshak Aghadi ... Petitioner

Versus

The Security Guards Board for Greater Bombay and Ors. ... Respondents

Mr. Susheel Mahadeshwar for Petitioner.

Mr. M.S. Topkar for R. No. 1.

CORAM : F.I. REBELLO &
A.V. MOHTA, JJ.
DATED : MARCH 07, 2006

P.C.

. On behalf of the Petitioner, the learned counsel states that the Respondent Nos. 2 and 3 have been served. The learned counsel to file affidavit of service. In view of the order to be passed, heard forthwith.

. Rule.

. The Petitioners herein had earlier filed a petition being Writ Petition (L) No. 2303 of 2004. Statement made on behalf of the Respondent No. 2

herein was recorded that they would apply for registration under the provisions of the Maharashtra Private Securities Guards (Regulation and Welfare) Act 1981. It is pointed out before us that inspite of that till date the employer has not applied for registration. The learned counsel further pointed out that the members of the Petitioners whose names are listed at Exh. A continued tobe employed with Respondent No. 2 pursuant to the order of status quo granted by this court on 20.12.2005. The application made by the Members of the Petitioner for registration are also pending before Respondent No. 1. In the light of that Petition can be disposed of by issuing the following directions :

(1) The Respondent No. 1 to dispose of the pending application made on behalf of the Petitioner Union whose names are listed at Exh. A within the period of six weeks from today.

(2) It is the statutory duty of the Respondent No. 2, if he seeks to employ security guards other than in permanent employment, to be registered.

Statement was earlier made. We therefore, direct Respondent No. 2 to make an application to employ the security guards within the period of eight weeks from today. On failure by respondent No. 2 to apply for registration, Respondent No. 1 is directed to take such steps in law which they are entitled to.

. Rule made absolute accordingly.

. The order of status quo earlier granted to continue till the application of the members of the Petitioner Union is considered and till such time as Respondent No. 2 applies for registration and gets himself registered. In the event Respondent No. 2 is registered, and members of the Petitioner union are also registered as far as possible, the Respondent No. 1 to allot the same security guards to Respondent No. 2.

(F.I. REBELLO,J.)

(A.V. MOHTA,J.)